

REMARKS/ARGUMENTS

Claims 1-10, 12-14 and 16-17 are pending in the captioned application and stand rejected. Applicants hereby amend claims 1, 3, 6-7, 12, 13 and 16. Applicants also cancel claims 4, 5 and 17. Applicants respectfully request reconsideration and allowance of the claims in view of the amendments and the following arguments.

Applicants first submit that 1 has been amended. The desired nucleic acid of claim 1 has been specified as plasmid, a limitation from the now cancelled claim 4. Further, the biological solution has been specified as a cell lysate, a limitation from the now cancelled claim 5. The other claims are amended accordingly. Applicants submit that no new matter has been introduced.

The claims are again rejected under 35 U.S.C. §103(a) as being unpatentable over Snoke et al. (US 4,055,469) in view of Izumrudov et al. (Biopolymers, Vol. 52, 94-108, 1999). Applicants respectfully disagree.

Applicants submit that Snoke et al. relates to methods for the purification of microbial enzyme extracts, and removing the impurities by precipitation. Although Example 6 discusses that nucleic acids can be precipitated selectively, it does not teach or suggest the differential separation of one type of nucleic acid from a cell lysate including other types of nucleic acids.

Izumrudov et al. relates to nucleic acids in complex with polyamines. However, these are obtained using very pure calf thymus DNA preparations. This is

in contrast with the present invention which relates to isolation of plasmid from impure starting material such as a cell lysate.

Applicants submit that neither Snoke et al. nor Izumrudow et al., whether separate or combined, teach that plasmids can be isolated from cell lysate including other nucleic acids, proteins, etc, using quaternary amino group containing precipitating agents. The obviousness rejection of the claims should now be withdrawn.

Applicants submit that none of the cited references, whether individually or combined, would render obvious claims 1-3, 6-10, 12-14 and 16.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

GE Healthcare Bio-Sciences Corp.

By: /Yonggang Ji/
Yonggang Ji
Reg. No.: 53,073
Agent for Applicants

GE Healthcare Bio-Sciences Corp.
800 Centennial Avenue
P. O. Box 1327
Piscataway, New Jersey 08855-1327

Tel: (732) 980-2875
Fax: (732) 457-8463

I hereby certify that this correspondence is being uploaded to the United States Patent and Trademark Office using the Electronic Filing System on March 10, 2009.

Signature: /Melissa Leck/

Name: Melissa Leck